

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES,)
P.C., SPECIAL DEPUTY RECEIVER OF)
LINCOLN MEMORIAL LIFE INSURANCE)
COMPANY, MEMORIAL SERVICE LIFE)
INSURANCE COMPANY, AND NATIONAL)
PREARRANGED SERVICES, INC., ET AL.,)

Plaintiffs,)

Case No. 09-CV-1252-ERW

vs.)

J. DOUGLAS CASSITY; RANDALL K.)
SUTTON; BRENT D. CASSITY; J. TYLER)
CASSITY; RHONDA L. CASSITY; ET AL.,)

Defendants.)

**STIPULATION OF DISMISSAL WITH PREJUDICE
AS TO DEFENDANT BROWN SMITH WALLACE, L.L.C.**

Plaintiffs and Defendant Brown Smith Wallace, L.L.C. (“BSW”), under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving the dismissal with prejudice of Plaintiffs’ claims against BSW, as contained in Plaintiffs’ Third Amended Complaint.

1. Plaintiffs and BSW stipulate and agree to this dismissal with prejudice.
2. Pending matters in controversy between Plaintiffs and BSW have been mutually resolved. Each party is to bear its own costs and attorneys’ fees.
3. Plaintiffs’ dismissal with prejudice against BSW shall not affect Plaintiffs’ claims contained in Plaintiffs’ Third Amended Complaint against the remaining defendants.

Dated this 16th day of January, 2014.

Respectfully submitted,

s/ Wendy B. Fisher

Daniel M. Reilly (Admitted *Pro Hac Vice*)
Larry S. Pozner, E.D. Missouri Bar No. 2792CO
Wendy B. Fisher (Admitted *Pro Hac Vice*)
Glenn E. Roper (Admitted *Pro Hac Vice*)
Clare S. Pennington (Admitted *Pro Hac Vice*)
Farrell A. Carfield (Admitted *Pro Hac Vice*)
Lauren G. Jaeckel (Admitted *Pro Hac Vice*)
Sean Connelly (Admitted *Pro Hac Vice*)
Michael P. Robertson (Admitted *Pro Hac Vice*)
Michael T. Kotlarczyk (Admitted *Pro Hac Vice*)
Dru R. Nielsen (Admitted *Pro Hac Vice*)
Ashley D. Morgan (Admitted *Pro Hac Vice*)

Reilly Pozner LLP
1900 16th Street, Suite 1700
Denver, CO 80202
(303) 893-6100

and

Maurice B. Graham, Bar No. 3257
Morry S. Cole, Bar No. 77854
Gray, Ritter & Graham, P.C.
701 Market Street, Suite 800
St. Louis, MO 63101
(314) 241-5620

Attorneys for Plaintiffs Jo Ann Howard and Associates,
P.C., in its capacity as Special Deputy Receiver of Lincoln
Memorial Life Insurance Company, Memorial Service Life
Insurance Company, and National Prearranged Services,
Inc.; the National Organization of Life and Health
Insurance Guaranty Associations; the Missouri Life &
Health Insurance Guaranty Association; the Texas Life &
Health Insurance Guaranty Association; the Illinois Life &
Health Insurance Guaranty Association; the Kansas Life &
Health Insurance Guaranty Association; Oklahoma Life &
Health Insurance Guaranty Association; the Kentucky Life
& Health Insurance Guaranty Association; and the
Arkansas Life & Health Insurance Guaranty Association

and

s/ Steven J. Hughes
Gary E. Snodgrass, #27037
Steven J. Hughes, #38968
Jaime N. Mitchell, #60949
Pitzer Snodgrass, P.C.
100 South Fourth Street, Suite 400
St. Louis, Missouri 63102
(314) 421-5545

ATTORNEYS FOR DEFENDANT
BROWN SMITH WALLACE, L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2015, the foregoing **STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT BROWN SMITH WALLACE, L.L.C.** was filed electronically with the Clerk of the Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

I hereby further certify that on January 16, 2015, the foregoing was sent by United States Postal Service or by electronic means, as indicated below, to the following non-participants in Electronic Case Filing:

Sharon Nekol Province, *Pro se*
Register # 36759-044
FMC Carswell
Federal Medical Center
P.O. Box 27137
Fort Worth, TX 76127

David R. Wulf, *Pro se*
Register # 38227-044
FCI Terre Haute
Federal Correctional Institution
Satellite Camp
P.O. Box 33
Terre Haute, IN 47808

By: s/ Wendy B. Fisher
Wendy B. Fisher
(Admitted *Pro Hac Vice*)
Attorney for Plaintiffs